

D/F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHAEL DE MEO and RACHEL DE MEO,

Plaintiffs,

-against-

CAROL SANTANGELO, VITO SANTANGELO,
STEPHANO MORELLI, MARIE MORELLI,
THOMAS DALE, MARIE DALE, BARBARA
PEPE, and ANTHONY PEPE,

Defendants.

ORDER

10-CV-2276 (NGG) (JO)

IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 31 2011 ★

BROOKLYN OFFICE

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NICHOLAS G. GARAUFIS, United States District Judge.

On July 29, 2010, Plaintiffs Michael DeMeo and his wife Rachel DeMeo (the "DeMeos") filed an Amended Complaint against four married couples ("Defendants") who are relatives of the DeMeos. (See Amended Complaint (Docket Entry #17).) All parties to this action are appearing pro se. In August 2010, Defendants filed motions to dismiss the Amended Complaint. (See Docket Entries ## 18, 19, 20.) On August 19, 2010, the court referred Defendants' motions to dismiss to Magistrate Judge James Orenstein for Report and Recommendation ("R&R") pursuant to Federal Rule of Civil Procedure 72(b). (See Docket Entry # 22.) On March 1, 2011, the magistrate judge recommended that the court grant Defendants' motions and dismiss the Amended Complaint in its entirety with prejudice. (R&R (Docket Entry # 30) at 12.) The R&R was mailed to all parties on March 1, 2011, and any objections to the R&R were due no later than March 18, 2011. (Id. at 12-13.)

No party has objected to the R&R, and the time to do so has passed. Because no objections have been filed, the court reviews the R&R for clear error. See Gesualdi v. Mack Excavation & Trailer Serv., Inc., No. 09-CV-2502 (KAM) (JO), 2010 U.S. Dist. LEXIS 23620,

at *3 (E.D.N.Y. Mar. 15, 2010) (“Where no objection to the Report and Recommendation has been filed, the district court need only satisfy itself that there is no clear error on the face of the record.”) (internal quotation marks and citation omitted).

The court has reviewed Judge Orenstein’s thorough and well-reasoned R&R and the record for clear error and found none. Therefore, the court adopts the R&R in its entirety, and notes that by the parties’ failure to object, they have waived further judicial review of this Order. See Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd, & Carwile, P.C., 596 F.3d 84, 92 (2d Cir. 2010) (“[A] party waives appellate review of a decision in a magistrate judge’s Report and Recommendation if the party fails to file timely objections designating the particular issue.”). Accordingly, the court grants Defendants’ motions and dismisses the Amended Complaint in its entirety with prejudice. The Clerk of Court is directed to enter judgment in accordance with this Order and close the case.

SO ORDERED.

Dated: Brooklyn, New York
March 25, 2011

s/Nicholas Garaufis
NICHOLAS G. GARAUFIS *7*
United States District Judge